

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

**WEST TENNESSEE AIR SERVICE, LLC,
Plaintiff/Counter-Defendant,**

vs.

**WTAS LLC, KYLE E. RICH,
and MELODY L. RICH,
Defendants/Counter-Plaintiffs.**

No.: 1:23-cv-1132-STA-jay

**WTAS LLC, KYLE E. RICH,
and MELODY L. RICH,**

Third-Party Plaintiffs,

vs.

**MONTE WARNE,
Third-Party Defendant.**

**ORDER GRANTING MOTION TO DISMISS CONSOLIDATED AMENDED
COUNTERCLAIM AND THIRD-PARTY COMPLAINT
FILED AT DOCKET ENTRY NUMBER 82
AND
DIRECTING WTAS, LLC AND KYLE AND MELODY RICH TO FILE THE
PERMITTED AMENDED COUNTERCLAIM AND THIRD-PARTY COMPLAINT**

Plaintiff West Tennessee Air Service, LLC filed this action in the Chancery Court of Dyersburg, Tennessee, asserting a claim for an alleged breach of contract by Defendants WTAS, LLC and Kyle and Melody Rich. Defendants then filed a third-party claim against Monte Warne, the former owner of West Tennessee Air Service. Subsequently, Defendants WTAS, LLC and Kyle and Melody Rich (“Movants”) filed a motion to join Marianna Williams as a Counterclaim Defendant and Third-Party Defendant; to join Ashley & Arnold, a partnership, as a Counterclaim Defendant and Third-Party Defendant; and to assert new claims against Monte Warne as a

Counterclaim Defendant. (ECF No. 54.) West Tennessee Air Service, LLC and Monte Warne filed a response objecting to the proposed amendment.

The Court granted the motion to amend and gave the Movants seven days in which to file their Consolidated Amended Counterclaim and Third-Party Complaint which was attached to their motion at ECF No. 54-2. (ECF No. 77.) The Movants purportedly did so on April 25, 2024. (ECF No. 82.)

West Tennessee Air Service and Monte Warne have now filed a motion to dismiss the Consolidated Amended Counterclaim and Third-Party Complaint on the ground that the document that was filed was not the one that the Court permitted to be filed. (ECF No. 114.) Movants acknowledge that the two documents are different but maintain that West Tennessee Air Service and Warne have not cited any authority for their motion to dismiss. (ECF No. 132.)

There was no need for West Tennessee Air Service and Warne to cite any authority because it is well-settled that the Court has the inherent authority to enforce its own orders. *See United States v. Bd. of County Comm'rs of Hamilton County*, 937 F.3d 679, 688 (6th Cir. 2019); *Cheairs v. Thomas*, 2020 WL 12918289, at *2 (W.D. Tenn. Sept. 4, 2020). The Court agrees that Movants have attempted to unilaterally amend their Counterclaim and Third-Party Complaint a second time without seeking the Court's permission. Disregard of the Court's order is unacceptable. Accordingly, the Court **GRANTS** the motion to dismiss of West Tennessee Air Service and Warne (ECF No. 114) and **STRIKES** the purported Consolidated Amended Counterclaim and Third-Party Complaint filed at docket entry number 82. The Movants will have three (3) days from the entry of this order in which to comply with the original order allowing their amendment which was attached to their motion as docket entry number 54-2.

Two other motions to dismiss have been filed. (ECF Nos. 98, 113.) Because this order may affect the arguments made in those motions, the parties filing those motions will have seven (7) days in which to advise the Court whether it may proceed with a decision or whether they want to supplement their motions.

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. Thomas Anderson
United States District Judge

Date: October 28, 2024